

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor. I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A METHOD FOR REGULATING GENES WITH ELECTROMAGNETIC RESPONSE ELEMENTS

			THE PARTY OF THE P	SPONSE ELEMENT
the specification (check one)	of which:			
	is attach	hed hereto.	·	
	_X was filed	d onJanuary 25.	2001	as
		al No. 09/769,902		as
• .		d		
				pplicable)
I hereby claim foreig 365(b) of any fore	gn priority benefits under	.S. Palent and Trademark in Title 37. Code of Federa r Title 35. United States C		
below. I have also	ication which designate	r Title 33. United States Coatent or inventor's certificed at least one country of reign application for pates the before that of the earlies	ther than the U	1 365(a) of any PC Inited States, liste
below. I have also International Applic is claimed:	ication which designate identified below any fo ation having a filing da	ed at least one country of	cate, or Section ther than the U nt or inventor's est application	i 365(a) of any PC Inited States, liste i certificate, or PC from which priorit
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Declaration and Power of Attorney hereby claim the benefit under 1	Title 35 United States Code. S	ection 119(e) of any United State
nereby claim the benefit under the provisional application(s) listed be	low:	
Provisional Application No.	Filing Date	<u>Status</u>
N/A		
I hereby claim the benefit under	Title 35. United States Code.	Section 120 of any United Station(s) designating the United Station
I hereby claim the benefit under Application(s), or Section 365(c) of listed below. Insofar as this application in the Code, Section 112, I acknowledge to all information known to me to be Regulations, Section 1.56, which because the national or PCT internation and the national or PCT internation.	fany PCT International Application discloses and claims subjective manner provided by the first the duty to disclose to the United material to patentability as a came available between the filing	non(s) designating the Ontied States matter in addition to that discloss paragraph of Title 35. United States Patent and Trademark Officients in Title 37, Code of Federal date(s) of such prior Application
Application(s). or Section 365(c) of listed below. Insofar as this application in the any such prior Application in the Code, Section 112, 1 acknowledge that information known to me to be Regulations. Section 1.56, which become to the control of	fany PCT International Application discloses and claims subjective manner provided by the first the duty to disclose to the United material to patentability as a came available between the filing	non(s) designating the Ontied States matter in addition to that discloss paragraph of Title 35. United States Patent and Trademark Officients in Title 37, Code of Federal date(s) of such prior Application
Application(s). or Section 365(c) of listed below. Insofar as this application any such prior Application in the Code, Section 112, 1 acknowledge that information known to me to be Regulations, Section 1.56, which became the national or PCT internation	Tany PCT International Application discloses and claims subjection discloses and claims subjective manner provided by the first whe duty to disclose to the United the material to patentability as a came available between the filing the filing date of this applications.	non(s) designating the Onlied States notice States and its closs paragraph of Title 35. United States Patent and Trademark Officiency of Title 37, Code of Federal date(s) of such prior Application on:

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923) and Raymond A. Diperna (Reg. No. 44,063).

and each of them, all c/o Cooper & Dunham LLP. 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White

Reg. No.

28,678

Cooper & Dunham LLP 1185 Avenue of the Americas New York, New York 10036 Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or			
first joint inventor_	Reba Goodman		
Inventor's signature_	Leha G	oduan	
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Inventor's signature_	- hen	in his	
Citizenship	China	Date of signature 3 12 /0	C-
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inventor (if any)	Martin Blank		
Inventor's signature	Martin Blan	L	
Citizenship	U.S.A.	_Date of signature_3/12/0/	1/
Residence 157 Co	lumbus Drive, Tena	fly, New Jersey 07678	
	Same As Residenc		

•	Datentee	: Reba Goodman, et al.	Attorney's Docket No: 61545 ING GENES WITH ELECTROMAGNETIC
Applica	or Parent No.:	09/769.902	Docket No: 61545
Serial	r Issued:	January 25, 2001	
Title O	f Invention or	Patent: A METHOD FOR REGULAT	ING GENES WITH ELECTROMAGNETIC
illie	YE VO	RESPONSE ELEMENTS	N) CLAIMING F.R. §1.9(f) ANIZATION act on behalf of the nonprofic versity in the City of New York ay, New York, New York 10027
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	N.	AND §1.27(d) - NONPROFIT ORGA	ANIZATION
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I hereb	v declare that	I am an official empowered to	act on behalf of the houpfull
organiza	ation identifie	d below:	
0. 60			
Name of	Organization:	The Trustees of Columbia Univ	versity in the city of New Tork
Manic of			New York New York 10027
Address	of Organizatio	n: West 116th Street & Broadw	ay, New York, New York 10027
7001000	· _ · _		
TVDE OF	ORGANIZATION:		
11111 01		OTHER INSTITUTION OF HIGHER E	DUCATION
<u> </u>	UNIVERSITY OF	DER INTERNAL REVENUE SERVICE	CODE 26 U.S.C. \$\$501(a) an
	501(c)(3)	NTIFIC OR EDUCATIONAL UNDER	STATUTE OF STATE OF THE UNITE
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	WOULD QUALIFIED S	STATES OF AMERICA LF LOCATED	IN THE UNITED STATES OF AMERIC
	NAME OF STATE:		
	CITATION OF STA	TUTE:	
	. dealers that	the nonprofit organization i	dentified above qualifies as
I hereby	v declare the	as defined in 37 C.F.R. §	1.9(e)* for purposes of payir
	sac under 30 U.	.S.C. 941(a) and 41(b), with i	egala to the
reduced	Tees under the ATTNC	GENES WITH ELECTROMAGNETIC B	RESPONSE FLEMENTS
A METHO	D FOR REGULATION		
:	ror(s) Pobe Goo	dman, et al.	
•		Marie De La Company	
describe			
	the specificati	on filed herewith	
	. linetion Ser	ial no. no/760 one filed J	January 25, 2001
	natent no.	issued	
	pacene		
1 horehu	declare that r	ights under contract or law h	have been conveyed to and remain above identified invention.
i Hereby	nonprofit orga	nization with regard to the	above identified invention.
7.5 + h o =	iches held by th	ne nonprofit organization are	not exclusive each individua
ii the i	or oreanization	n known to have rights to the	invention is listed below and the than the inventor, who cou
concern,	a sa the inventi	on are held by any person, oth	her than the inventor, who cou
_ 1	ite as a small	business concern under 3/	C.F.R. §1.9(d)* or a nonprof
not qual	ition under 37 C.	.F.R. 1.9(e)*	
a		ed statements are required	from each person, concern,
NOTE:	Separate verili	hee to the invention avert	ing to their status as sma
organiza	tion having rig	nts to the invention aver.	
entities	. 37 C.F.R. §1.2	, * •	
Name:			
ddress:			

- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- §121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
- (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

Small Entity/Nonprofit
Page -2-

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. \$1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Michael J.	Cleare, Ph.D.
)irector Columbia Innovation Enterprise
Address: Engineering Terrace - Suite	363, West 120th Street & Amsterdam Avenue
New York, New York 10027	/ . / /
Signature:	MARCON
Date Of Signature:	04/05/01

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.